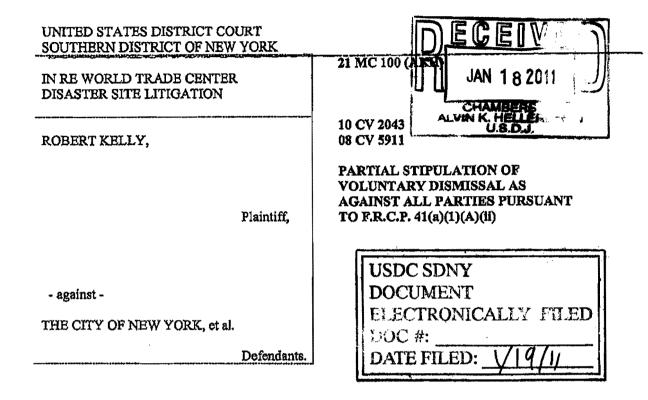
Case 1:21-mc-00100-AKH Document 2291 Filed 01/19/11 Page 1 of 2



IT IS HEREBY STIPULATED AND AGREED by and between the parties that, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii):

- 1. The above-captioned action is voluntarily dismissed pursuant to the following terms and conditions:
- 2. All claims by Plaintiff ROBERT KELLY against all Defendants or against any Defendant arising out of or relating in any way to World Trade Center-related rescue, recovery and/or debris-removal operations and/or clean-up at any location on and/or after September 11, 2001, are voluntarily dismissed.
- 3. All claims that were asserted or could have been brought in relation to Plaintiff's existing pleadings are dismissed with prejudice.

Case 1:21-mc-00100-AKH Document 2291 Filed 01/19/11 Page 2 of 2

4. This dismissal is without prejudice solely in relation to a second injury to the extent permitted by New York State law and as may be defined by any court having jurisdiction over any such later-filed complaint. If after this Stipulation is filed Plaintiff commences an action asserting such alleged second injury claims against any or all of the entities listed on Exhibit A to the World Trade Center Litigation Settlement Process Agreement, As Amended ("Amended SPA"), such action shall constitute a "New Debris Removal Claim" as defined in the Amended SPA.

5. The dismissal is without costs.

SULLIVAN PAPAIN BLOCK

McGRATH & CANNAVO P.C.

By:

Andrew J. Carboy, Esq. Attorneys for Plaintiff ROBERT

KELLY

120 Broadway, 18th Floor New York, NY 10271

Dated:

 PATTON BOGGS LLP

James B. Tyrre

Attordeys for all Defendants

The Legal Center

One Riverfront Plaza, Suite 600

Newark, NJ 07102

Dated:

January (), 2011

03 ORDERUL 1/19/11

2